

46 Am. Jur. 2d Judges § 47

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Judges

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VI. Privileges, Exemptions, and Disabilities

B. Practice of Law

§ 47. Restriction of judge's right to practice law

[Topic Summary](#) | [Correlation Table](#) | [References](#)

West's Key Number Digest

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[Propriety and permissibility of judge engaging in practice of law](#), 89 A.L.R.2d 886

Statutes in some jurisdictions merely restrict the right of a judge to practice, without prohibiting a judge absolutely from doing so; the judge may be limited by a restriction on practice in the court of which the judge is a member,¹ or on practice as to matters that may come before the judge for decision,² or that might come before the judge in the party's judicial capacity in the future.³ In some courts, a judge is disqualified only as to matters pending or originating in that court during the judge's term of office.⁴

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Footnotes

- 1 [Carlson v. City of Bozeman](#), 2001 MT 46, 304 Mont. 277, 20 P.3d 792 (2001); [Plaietow Bank & Trust Co. v. Webster](#), 121 N.H. 751, 433 A.2d 1332 (1981).
- 2 [In re Kenton County Bar Ass'n](#), 314 Ky. 664, 236 S.W.2d 906 (1951).
- 3 [Prichard v. U.S.](#), 181 F.2d 326 (6th Cir. 1950), judgment aff'd, 339 U.S. 974, 70 S. Ct. 1029, 94 L. Ed. 1380 (1950); [Davis v. Sexton](#), 211 Va. 410, 177 S.E.2d 524 (1970).
- 4 [Brazzell v. Maxwell](#), 176 Ohio St. 408, 27 Ohio Op. 2d 378, 200 N.E.2d 309 (1964).

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